

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1, 3, 5-15, 17, 19-22 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of record both alone and in combination fails to disclose or sufficiently suggest the combination of features claimed and arranged by the applicant.

The closest prior art references: Aharoni et al. and Kukic do not disclose the features of independent claims 1 and 10. Aharoni discloses adaptive transportation of video and audio over a network, where the available bandwidth varies with time. Kukic discloses determining the optimal data rate for the transmission of a data stream. However, the prior art does not teach the selection of a particular bit rate representation conforming to the variables and equation as set forth in the applicant's independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Lyles et al. US Pat. No. 5,917,822
2. Rao US Pat. No. 5,940,738

3. Aharoni et al. US Pat. No. 6,014,694
4. Adams et al. US Pat. No. 6,124,878
5. Seazholtz et al. US Pat. No. 6,246,695
6. Zhang et al. US Pat. No. 2002/0010938
7. Song et al. US PG Pub. No. 2002/0157103
8. Pinder US PG Pub. No. 2003/0002577
9. Laksono et al. US PG Pub. No. 2003/0046704
10. Kukic US PG Pub. No. 2003/0169780
11. Krishnamurthy et al. US Pat. No. 6,665,872
12. Liljeryd et al. US Pat. No. 6,680,972
13. Lin et al. US Pat. No. 6,738,980
14. Mihara et al. US PG Pub. No. 2004/0196907
15. Li US Pat. No. 7,337,231
16. Ducharme et al. US Pat. No. 7,486,732

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425